HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 356(S/S)02:
(Old No. 17339/2000)

Majuddin Khan S/o Sri Mariuddin Khan,
R/o Swaraj Colony, Jail Road,
Banda. ---- Petitioner

Vs.

1. State of Uttar Pradesh through
   Its Secretary Home,
   U.P. Lucknow,
2. The Deputy Inspector General of Police,
   Fire Service, U.P. Lucknow,
3. The Superintendent of Police, Almora,
4. Fire Station Officer, Almora. ---- Respondents

Sri Sharad Sharma, learned counsel for the petitioner,
Learned Standing Counsel for the State of Uttaranchal.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Sharad Sharma, learned counsel for the petitioner and learned Standing Counsel for the State of Uttaranchal.

Counsel for the parties are agreed that the writ petition may be decided at the admission stage itself.

By means of this writ petition the petitioner has challenge the order dated 05.08.1993 passed by the Superintendent of Police, Almora/respondent no. 3, accepting the resignation of the petitioner moved by him on 04.08.1993.

The petitioner has challenged the impugned order on the ground that the resignation of the petitioner was a conditional one and the authority should not have accepted the same. The

petitioner has not annexed the copy of the application by which he has sought retirement.

Counsel for the petitioner brought into the notice of the Court the annexure no. 6 to the writ petition wherein it is stated that the Fireman is not in a position to record their statement. This document does not speak any condition, which was narrated by the petitioner in his resignation.

Earlier too, the resignation application was given according to the petitioner on 10.091992, however no action was taken by the respondent on that application. The petitioner remained absent from 10.091992 to 04.08.1993 when he has submitted a fresh application with the request to accept the resignation. On 05.08.1993, the resignation of the petitioner was accepted by the Competent Authority.

I do not find any infirmity in the order. The writ petition lacks merit and is liable to be dismissed.

Accordingly, the writ petition is dismissed.

(M.M. Ghildiyal, J.)

April 24, 2006:

NCM: